



Entered on Docket
September 29, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

JORGE L. SANCHEZ, ESQ.
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Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:)	CHAPTER 13
)	
JULIO ALFREDO ALZATE &)	
TERESA GARZON-MURILLO)	CASE NO: 09-18952 LBR
)	
)	DATE: August 27, 2009
Debtor.)	TIME: 3:30 PM
)	

**ORDER GRANTING MOTION TO VALUE COLLATERAL OF 372 TIERRA STREET,
HENDERSON, NV 89014 TO \$148,672.00, "STRIP OFF" 2ND MORTGAGE LIEN OF
AND MODIFY RIGHTS OF EMC MORTGAGE PURSUANT TO
11 U.S.C. § 506(a) and § 1322**

Debtors' Motion to Value Collateral, "Strip Off" and Modify Rights of EMC MORTGAGE pursuant to 11 U.S.C. § 506(a), and § 1322, and Bankruptcy Rules 3012 and 9014, having been duly filed and served on EMC MORTGAGE, having come before this Court for hearing on the date and at the time set forth above with Debtors appearing by and through their legal counsel Jorge L. Sanchez, Esq., of the law firm of Sanchez Law Group, Ltd., and none of

1 the named lien holders/lenders/servicers having appeared or otherwise having responded, and
2 good cause appearing therefore;

3 IT IS HEREBY ORDERED THAT:

4 1. Value of Debtor's residential real property located at 372 Tierra Street,
5 Henderson, NV 89014 to be \$148,672.00; and
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7 2. The first lien of EMC MORTGAGE, Account # 5890014947402 is secured only
8 to the amount of \$148,672.00 and the remaining balance of its loan shall be deemed unsecured
9 and paid pro rata with other general unsecured creditors through the Debtor's Chapter 13 plan;

10 3. The second lien of EMC MORTGAGE Account # 5890014947410 is to be
11 avoided and extinguished upon completion of the Debtors' Chapter 13 plan;
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13 4. Reclassify the second lien of EMC MORTGAGE as general unsecured claims to
14 be paid pro rata with other general unsecured creditors through the Debtors' Chapter 13 plan;
15 and
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17 5. Any future claims filed by EMC MORTGAGE respecting Debtors' non-principal
18 residence real property must conform with the secured/unsecured status set forth above.

19 DATED: September 14, 2009

Respectfully Submitted:

20 /s/Jorge L. Sanchez, Esq. /s/

21 Jorge L. Sanchez, Esq.

22 Attorney for Debtor
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ALTERNATIVE METHOD re: RULE 9021:

In accordance with Local Rule 9021, undersigned certifies:

☐ The court waived the requirements of LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:

☐ Approved Debtor(s) Attorney/Trustee

☐ Disapproved Debtor(s) Attorney/Trustee

☒ Failed To Respond Trustee

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